

JORDAN ETH (CA SBN 121617)
 JEth@mofo.com
 PHILIP T. BESIROF (CA SBN 185053)
 PBesirof@mofo.com
 CHRISTIN J. HILL (CA SBN 247522)
 CHill@mofo.com
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 Facsimile: 415.268.7522
*Counsel for Defendants Lawrence J. Ellison, Safra A. Catz,
 Jeffrey O. Henley, Jeffrey S. Berg, Michael J. Boskin, Bruce R.
 Chizen, George H. Conrades, Rona A. Fairhead, Renée J.
 James, Charles (Wick) Moorman IV, Leon E. Panetta, William
 G. Parrett, Naomi O. Seligman, and Vishal Sikka*

KAREN G. JOHNSON-MCKEYAN (CA SBN 121570)
 Kjohnson-mckeyan@orrick.com
 WARRINGTON S. PARKER III (CA SBN 148003)
 wparker@orrick.com
 KENNETH P. HERZINGER (CA SBN 209866)
 kherzinger@orrick.com
 ALEXANDER K. TALARIDES (CA SBN 268068)
 atalarides@orrick.com
 ORRICK, HERRINGTON & SUTCLIFFE LLP
 405 Howard St.
 San Francisco, California 94105
 Telephone: 415.773.5700
 Facsimile: 415.773.5759
*Counsel for Nominal Defendants Oracle Corporation and
 Oracle America, Inc.*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ALISON SHERMAN, et al.,

 Plaintiffs,

 v.

 LAWRENCE J. ELLISON, et al.,

 Defendants,

Case No. 3:20-cv-05255-JSC

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING THE CASE
 MANAGEMENT CONFERENCE
 AND EXTENDING DEFENDANTS'
 TIME TO RESPOND TO THE
 COMPLAINT**

The Honorable Jacqueline Scott Corley

1 WHEREAS, on July 2, 2020, Plaintiff R. Andre Klein filed a putative shareholder
2 derivative action (the “*Klein* Action”), seeking to assert derivative claims on behalf of Nominal
3 Defendants Oracle Corporation and Oracle America, Inc. (together “Oracle” or the “Company”),
4 against certain current directors and officers of Oracle (the “Individual Defendants” and, together
5 with Oracle, “Defendants”), for breaches of fiduciary duties, aiding and abetting breach of
6 fiduciary duty, abuse of control, unjust enrichment, and violation of Section 14(a) of the
7 Securities Exchange Act of 1934;

8 WHEREAS, on July 10, 2020, Plaintiff Kathleen Dinsmore filed a putative shareholder
9 derivative action (the “*Dinsmore* Action”), seeking to assert derivative claims on behalf of Oracle
10 against the Individual Defendants that are substantially similar to the claims in the *Klein* Action;

11 WHEREAS, on July 22, 2020, the Court ordered the consolidation of the *Dinsmore*
12 Action under the *Klein* Action, pursuant to the parties’ stipulation;

13 WHEREAS, on July 30, 2020, Plaintiff Alison Sherman filed a putative shareholder
14 derivative action (the “*Sherman* Action”), seeking to assert derivative claims on behalf of Oracle
15 against the Individual Defendants (Dkt. No. 1);

16 WHEREAS, on September 14, 2020, the Court issued an order relating the *Klein* and
17 *Sherman* Actions pursuant to an administrative motion filed by Plaintiffs Klein and Dinsmore
18 (Dkt No. 24);

19 WHEREAS, on October 2, 2020, the parties filed a stipulation requesting a 30 day
20 extension of the motion to dismiss deadline and the case management conference while the
21 parties conferred regarding scheduling and potential avenues for efficiency among the *Sherman*
22 and *Klein* Actions (Dkt. No. 30);

23 WHEREAS, on October 5, 2020, the Court issued an Order extending Defendants’ time to
24 respond to the Complaint to November 5, 2020, and continuing the Case Management
25 Conference to December 3, 2020 (Dkt. No. 31);

26 WHEREAS, on October 16, 2020, Defendants filed a Motion to Consolidate the *Klein* and
27 *Sherman* Actions, which is noticed for hearing on December 3, 2020 (Dkt. No. 33);

28 WHEREAS, the parties agree that it is in the interest of judicial economy to schedule

1 briefing on the motion to dismiss and the case management conference after Defendants' Motion
2 to Consolidate is resolved;

3 THEREFORE, to avoid unnecessary duplication of effort by the parties and the Court,
4 Plaintiffs and Defendants, through their respective counsel, hereby enter into this Stipulation and
5 [Proposed] Order Continuing the Case Management Conference and Extending Defendants' Time
6 to Respond to the Complaint, and hereby stipulate and agree as follows:

7 1. In the event that Defendants' Motion to Consolidate is granted, Defendants' shall
8 confer with the Lead Plaintiff for the Consolidated Action regarding the timing of Defendants'
9 response to the Consolidated Complaint.

10 2. In the event that Defendants' Motion to Consolidate is denied, Defendants' deadline to
11 respond to the complaint in *Sherman* Action shall be thirty (30) days after the Court's Order
12 denying the Motion to Consolidate.

13 3. The Case Management Conference shall be continued to thirty (30) days after an Order
14 on the Motion to Dismiss.

15 **IT IS SO STIPULATED.**
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1 Dated: November 3, 2020

JORDAN ETH
PHILIP T. BESIROF
CHRISTIN J. HILL
MORRISON & FOERSTER LLP

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3
4
5 By: /s/ Jordan Eth
JORDAN ETH

6 425 Market Street
7 San Francisco, CA 94105
Telephone: (415) 268-7000

8 *Counsel for Defendants Lawrence J. Ellison, Safra*
9 *A. Catz, Jeffrey O. Henley, Jeffrey S. Berg,*
10 *Michael J. Boskin, Bruce R. Chizen, George H.*
11 *Conrades, Rona A. Fairhead, Renee J. James,*
12 *Charles (Wick) Moorman IV, Leon E. Panetta,*
13 *William G. Parrett, Naomi O. Seligman, and*
14 *Vishal Sikka*

15 Dated: November 3, 2020

KAREN JOHNSON-MCKEWAN
WARRINGTON PARKER III
KENNETH HERZINGER
ALEXANDER K. TALARIDES
ORRICK, HERRINGTON & SUTCLIFFE LLP

16
17 By: /s/ Alexander K. Talarides
Alexander K. Talarides

18 450 Howard St.
19 San Francisco, CA 94105
Telephone: (415) 773-5700

20 *Counsel for Nominal Defendants Oracle*
21 *Corporation, Oracle America, Inc.*
22
23
24
25
26
27
28

1 Dated: November 3, 2020

BRETT M. MIDDLETON
FRANK J. JOHNSON
JOHN J. O'BRIEN
JOHNSON FISTEL, LLP

2
3
4 By: /s/ Frank J. Johnson
5 Frank J. Johnson

6 655 West Broadway, Suite 1400
7 San Diego, CA 92101
8 Telephone: (619) 230-0063
9 Facsimile: (619) 255-1856

Counsel for Plaintiff Alison Sherman

10 **ECF ATTESTATION**

11
12 I, Jordan Eth, am the ECF User whose ID and password are being used to file the
13 foregoing document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence in
14 the filing of the document has been obtained from each of the other Signatories.

15 Dated: November 3, 2020

16 By: /s/ Jordan Eth
17 JORDAN ETH

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, IT IS SO ORDERED.

DATED: _____, 2020

HON. JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE